

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8613 of 1995

STATE OF GUJARAT

Versus

HAVABEN WD/O DADUBHAI

BHUDARBHAI

CORAM : MR.JUSTICE A.N.DIVECHA

Date of Order: 25/04/96

ORAL ORDER

This petition does not deserve to be entertained
on two grounds.

2. In the first place, the impugned decision was rendered by the Gujarat Revenue Tribunal at Ahmedabad (the Tribunal for convenience) as early as on 24th July 1987 and this petition for challenging it has been filed nearly eight years and three months from its date on 5th October 1995. It suffers from the vice of inordinate delay on the part of the petitioner. It has not been explained in any manner. This petition therefore deserves to be rejected on the ground of inordinate delay on the part of the petitioner.

3. Even on merits the impugned decision at Annexure-C to this petition calls for no interference by this court in this petition under Article 227 of the Constitution of India. The Tribunal has rightly come to the conclusion that the land lost on account of adverse possession as declared by the decree of the competent Civil Court has to be deducted from the holding of the landowner. The Tribunal has categorically found the decree of the Civil Court not to be collusive in any manner. I think this conclusion of the Tribunal is unassailable. If that area of land is deducted from the holding of the landowner, she will have no excess land in her holding.

4. Even otherwise, the excess land declared in her holding was a small parcel of land admeasuring one acre one guntha. This could not have been declared surplus in

view of section 18 of the Gujarat Agricultural Land Ceiling Act, 1960.

5. In view of my aforesaid discussion, I am of the opinion that this petition has no merit or substance in it. It therefore deserves to be and is hereby summarily rejected.

25th April 1996

(A.N.DIVECHA, J.)